



0000008596

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED  
AZ CORP COMMISSION Arizona Corporation Commission

DOCKETED

MAR 2 1 25 PM '99

MAR 02 1999

DOCUMENT CONTROL

DOCKETED BY

*sd*

JIM IRVIN  
Chairman  
TONY WEST  
Commissioner  
CARL J. KUNASEK  
Commissioner

The Phoenix Plaza  
21st Floor  
2929 North Central Avenue  
Phoenix, Arizona 85012-2794

P.O. Box 36379  
Phoenix, Arizona 85067-6379

Telephone 602.207.1288  
Facsimile 602.235.9444

IN THE MATTER OF U S WEST  
COMMUNICATIONS, INC.'S  
COMPLIANCE WITH § 271 OF THE  
TELECOMMUNICATIONS ACT OF  
1996

Docket No. T-00000B-97-0238

**OBJECTION TO U S WEST'S  
FIRST SET OF DATA REQUESTS  
TO NEXTLINK ARIZONA, INC.**

On, February 25, 1999, U S WEST Communications, Inc. ("U S WEST") served on NEXTLINK Arizona, Inc. ("NEXTLINK") its First Set of Data Requests in this proceeding. These Data Requests were not tailored in any way to NEXTLINK and were identical to those served on other parties. NEXTLINK objects to this discovery as inconsistent with the procedural framework ordered by the Commission in this case and also objects to the discovery as burdensome and not calculated to lead to the discovery of relevant information.

Both the May 27, 1997 and the June 16, 1998 procedural orders issued in this docket require U S WEST to file with the Arizona Corporation Commission "at least 90 days prior to making its FCC filing, the full and complete application which [it] intends to file at the FCC." 6/16/98 *Procedural Order*, para. 4. On February 8, 1999, U S WEST filed a Notice of Intent to File with the FCC. That filing was not U S WEST's "complete application" and did not contain any supporting evidence of compliance with the 14-point competitive checklist contained in 47 U.S.C. §271(c)(2)(B). A number of parties have asked the Commission to reject U S WEST's initial notice filing as non-compliant and require that U S WEST file its full and complete application. *See Joint Motion to Reject US WEST's*

1 Notice, filed February 16, 1999. NEXTLINK did not join in that request because it had not  
2 yet filed to become an intervenor.

3 NEXTLINK objects to the data requests as premature and burdensome because  
4 U S WEST has not yet filed the required complete application. NEXTLINK also objects to  
5 the data requests as burdensome and not calculated to lead to the discovery of relevant  
6 information as they have not been tailored to NEXTLINK and NEXTLINK has only  
7 recently begun operations in Arizona.

8 Therefore, NEXTLINK will respond to U S WEST's First Set of Discovery Requests  
9 only after the Commission has ruled on the pending Joint Motion to Reject U S WEST's  
10 Notice filing or after U S WEST has complied with the existing procedural order by filing  
11 its full and complete application. At such future time, NEXTLINK will be prepared to meet  
12 and confer with U S WEST regarding answers to individual Data Requests.

13 DATED this 2<sup>nd</sup> day of March, 1999.

14 NEXTLINK ARIZONA, INC.

15 By: Joan S. Burke  
16 Joan S. Burke  
17 Osborn Maledon, P.A.  
18 2929 North Central Ave., 21<sup>st</sup> Floor  
19 Phoenix, AZ 85012-2794  
20 (602) 640-9356

21 Daniel Waggoner  
22 Davis Wright Tremaine  
23 2600 Century Square  
24 1501 Fourth Avenue  
25 Seattle, WA 98101-1688  
26 (206) 622-3150

Alaine Miller  
NEXTLINK  
500 108th Avenue NE  
Suite 2200  
Bellevue, WA 98004  
(425) 519-8954

The Phoenix Plaza  
21st Floor  
2929 North Central Avenue  
Phoenix, Arizona 85012-2794

P.O. Box 36379  
Phoenix, Arizona 85067-6379

Telephone 602.207.1288  
Facsimile 602.235.9444

1 ORIGINAL AND TEN COPIES of the foregoing  
2 hand-delivered for filing on March 2, 1999, to:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, AZ 85007

7 ONE COPY of the foregoing  
8 hand-delivered on March 2, 1999, to:

9 Mr. Jerry Rudibaugh  
10 Chief Hearing Officer  
11 Hearing Division  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, AZ 85007

15 COPY of the foregoing mailed on March  
16 2, 1999, to:

17 Vince C. DeGarlais  
18 Andrew D. Crain  
19 Charles W. Steese  
20 U S WEST Communications, Inc.  
21 1801 California Street, #5100  
22 Denver, CO 80202

23 Maureen Arnold  
24 U S WEST Communications, Inc.  
25 3033 North Third Street, Room 1010  
26 Phoenix, AZ 85012

Scott Wakefield  
Deborah R. Scott  
Residential Utility Consumer Office  
2828 North Central Ave., #1200  
Phoenix, AZ 85004

Michael M. Grant  
Gallagher and Kennedy  
2600 North Central Avenue  
Phoenix, AZ 85004-3020

Timothy Berg  
Janice Procter-Murphy  
Fennemore Craig  
3003 North Central Avenue, Suite 2600  
Phoenix, Arizona 85012-2913

Robert Munoz  
WorldCom, Inc.  
225 Bush Street, Suite 1900  
San Francisco, CA 94014

Karen Johnson  
Penny Bewick  
Electric Lightwave, Inc.  
4400 NE 77<sup>th</sup> Ave.  
Vancouver, WA 98662

Thomas L. Mumaw  
Snell & Wilmer L.L.P.  
One Arizona Center  
Phoenix, AZ 85004-0001

The Phoenix Plaza  
21st Floor  
2929 North Central Avenue  
Phoenix, Arizona 85012-2794

P.O. Box 36379  
Phoenix, Arizona 85067-6379

Telephone 602.207.1288  
Facsimile 602.235.9444

The Phoenix Plaza  
21st Floor  
2929 North Central Avenue  
Phoenix, Arizona 85012-2794

P.O. Box 36379  
Phoenix, Arizona 85067-6379

Telephone 602.207.1288  
Facsimile 602.235.9444

- 1 Mark Dioguardi
- 2 Tiffany and Bosco, P.A.
- 3 500 Dial Tower
- 4 1850 North Central Avenue
- Phoenix, AZ 85004
- 5 Donald A. Low
- 6 Sprint Communications Company, L.P.
- 7 8140 Ward Parkway 5E
- Kansas City, MO 64114
- 8 Michael W. Patten
- 9 Lex J. Smith
- 10 Brown & Bain, P.A.
- 11 P. O. Box 400
- 12 Phoenix, AZ 85001-0400
- 13 Charles Kallenbach
- 14 American Communications Services, Inc.
- 15 131 National Business Parkway
- 16 Annapolis Junction, MD 20701
- 17 Joyce Hundley
- 18 United States Dept. of Justice
- 19 Antitrust Division
- 20 1401 H Street NW, Suite 8000
- 21 Washington, DC 20530
- 22 Thomas H. Campbell
- 23 Lewis and Roca
- 24 40 North Central Avenue
- 25 Phoenix, AZ 85004
- 26 Barry Pineles
- 27 GST Telecom, Inc.
- 28 4001 Main Street
- 29 Vancouver, WA 98663
- 30 Richard S. Wolters
- 31 Maria Arias-Chapleau
- 32 AT&T
- 33 1875 Lawrence Street, Suite 1575
- 34 Denver, Colorado 80202

Douglas G. Bonner  
Alexandre B. Bouton  
Swidler & Berlin, Chartered  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007

Joseph Faber  
Teleport Communications Group, Inc.  
1350 Treat Blvd., Suite 500  
Walnut Creek, CA 94596

Bill Haas  
Richard Lipman  
McLeod USA  
6400 C Street SW  
Cedar Rapids, IA 54206-3177

Carrington Phillip  
Fox Communications, Inc.  
1400 Lake Hearn Drive, N.E.  
Atlanta, GA 30319

Richard Smith  
Director of Regulatory Affairs  
Cox Communications  
2200 Powell Street, Suite 795  
Emeryville, CA 94608

Kath Thomas  
Brooks Fiber Communications  
1600 South Amphlett Blvd., #330  
San Mateo, CA 94402

Thomas F. Dixon  
MCI Telecommunications Corporation  
707 17<sup>th</sup> Street, #3900  
Denver, CO 80202

